

Lee S. Gayer
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036-8704
(212) 596-9000

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SHEPHERD INVESTMENTS
INTERNATIONAL, LTD.,

Plaintiff,

v.

PAINCARE HOLDINGS, INC.,

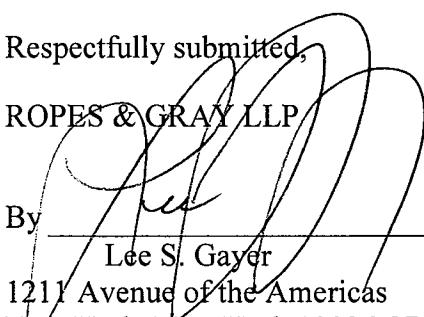
Defendant.

Case No. 07-CIV-9836 (SAS)

NOTICE OF WITHDRAWAL OF MOTION

PLEASE TAKE NOTICE, that Plaintiff Shepherd Investments International, Ltd., hereby withdraws its attached Motion to Admit Counsel Pro Hac Vice, dated January 7, 2008 and received by the Court on January 8, 2008.

Dated: New York, New York
January 25, 2008

Respectfully submitted,
ROPES & GRAY LLP
By 
Lee S. Gayer
1211 Avenue of the Americas
New York, New York 10036-8704
(212) 596-9000

Attorneys for Plaintiff
SHEPHERD INVESTMENTS
INTERNATIONAL, LTD.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHEPHERD INVESTMENTS
INTERNATIONAL, LTD.,

Plaintiff,

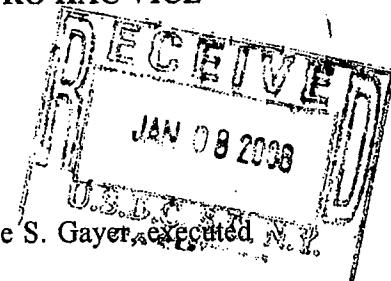
v.

PAINCARE HOLDINGS, INC.,

Defendant.

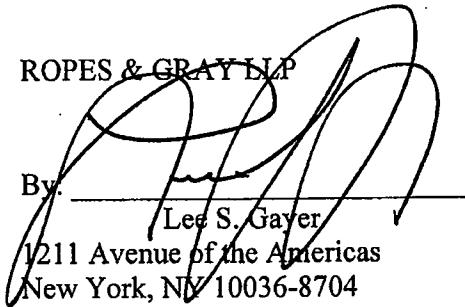
Case No. 07-CIV-9836 (SAS)

**NOTICE OF MOTION FOR
ADMISSION PRO HAC VICE**



PLEASE TAKE NOTICE that, upon the annexed declaration of Lee S. Gayer, ~~executed~~ on January 7, 2008, plaintiff Shepherd Investments International, Ltd. ("Shepherd") will move this Court, pursuant to Rule 1.3(c) of the Local Civil Rules, for an order that Christopher G. Green, who is a member of the bar of the Commonwealth of Massachusetts, and who is an associate with the firm of Ropes & Gray LLP, be admitted *pro hac vice* for all purposes on behalf of Shepherd in this action.

Dated: New York, New York
January 7, 2008

ROPS & GRAY LLP
By: 
Lee S. Gayer
1211 Avenue of the Americas
New York, NY 10036-8704
(212) 596-9000
lee.gayer@ropesgray.com

*Attorneys for Plaintiff, Shepherd
Investments International, Ltd.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHEPHERD INVESTMENTS
INTERNATIONAL, LTD.,

Plaintiff,

v.

PAINCARE HOLDINGS, INC.,

Defendant.

Case No. 07-CIV-9836 (SAS)

**DECLARATION OF
LEE S. GAYER**

Lee S. Gayer declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member in good standing of the bar of this Court, and am counsel with the firm of Ropes & Gray LLP. I make this declaration in support of the motion by plaintiff Shepherd Investments International, Ltd. ("Shepherd"), pursuant to Rule 1.3(c) of the Local Civil Rules of this Court, that Christopher G. Green be admitted *pro hac vice* for all purposes on behalf of Shepherd in this action.

2. Christopher G. Green is an associate with the firm of Ropes & Gray LLP, and is fully familiar with this action.

3. Christopher G. Green is a member in good standing of the bar of the Commonwealth of Massachusetts, as evidenced by the annexed certificate.

4. I respectfully request that this motion be granted in all respects. A proposed order is enclosed herewith.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on January 7, 2008.

Lee S. Gayer

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

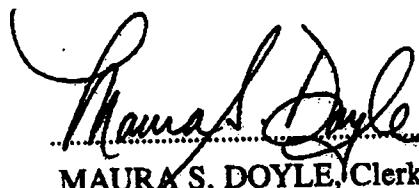
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston
within and for said County of Suffolk, on the **fourteenth**
day of **December** A.D. **1999**, said Court being the highest
Court of Record in said Commonwealth:

Christopher G. Green

being found duly qualified in that behalf, and having taken and subscribed
the oaths required by law, was admitted to practice as an Attorney, and, by
virtue thereof, as a Counsellor at Law, in any of the Courts of the said
Commonwealth: that said Attorney is at present a member of the Bar, and
is in good standing according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the
seal of said Court, this **fourth** day of **January**
in the year of our Lord **two thousand and eight**.




MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHEPHERD INVESTMENTS
INTERNATIONAL, LTD.,

Plaintiff,

v.

PAINCARE HOLDINGS, INC.,

Defendant.

Case No. 07-CIV-9836 (SAS)

**ORDER GRANTING
MOTION FOR ADMISSION
PRO HAC VICE**

Upon the motion of plaintiff Shepherd Investments International, Ltd. ("Shepherd") pursuant to Rule 1.3(c) of the Local Civil Rules, for an order admitting Christopher G. Green *pro hac vice* for all purposes on behalf of Shepherd, and for good cause shown, it is hereby ORDERED that the motion is GRANTED in all respects.

Dated: New York, New York
January __, 2008

Hon. Shira A. Scheindlin
United States District Judge

AFFIDAVIT OF SERVICE

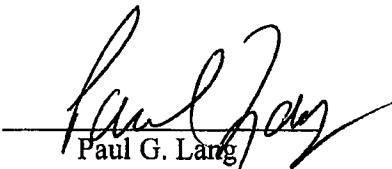
STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

PAUL G. LANG, being duly sworn, deposes and says:

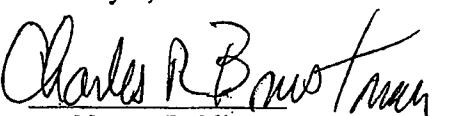
1. I am not a party to the action, am over 18 years of age, and reside at 2 Dialstone Lane, Riverside, CT.
2. On January 7, 2008, I served the within Notice of Motion for Admission Pro Hac Vice upon:

Albert R. Meyer
1030 N. Orange Avenue
Suite 105
Orlando, FL 32801

by depositing a true copy thereof, enclosed in a properly addressed postage paid sealed wrapper, into an official depository maintained by the United States Postal Service in the State of New York.


Paul G. Lang

Sworn to before me
January 7, 2008


Charles R. Brustman
Notary Public

CHARLES R. BRUSTMAN
Notary Public, State of New York
No. 01BR4789113
Qualified in Nassau County
Commission Expires June 21, 2011